

ORDINANCE NO. 98-10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS SERIES OF THE LAND USE ELEMENT; ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT; MODIFYING FUTURE LAND USE ATLAS PAGE 95 BY CHANGING A 0.75 OF AN ACRE PARCEL OF LAND GENERALLY LOCATED EAST OF INTERSTATE 95, WEST OF LAKE IDA, SOUTH OF THE INTERSECTION OF DIANE DRIVE AND LAKE DRIVE EXTENSION, FROM MEDIUM RESIDENTIAL 5 TO INDUSTRIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on December 19, 1997, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made a recommendation regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to

Chapter 163, Part II, Florida Statutes at the conclusion of the public hearing; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, to review the recommendation of the Local Planning Agency; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendment to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

An Amendment to the Land Use Element's Future Land Use Atlas of the Palm Beach County 1989 Comprehensive Plan, is hereby adopted as follows:

A. Future Land Use Atlas page 95 is amended as follows:

Application No.: 98 - SCA 95 IND 1 (B/E Aerospace)

Amendment: From 0.75 of an acre of Medium Residential 5 (MR-5) to Industrial (IND).

General Location: East of Interstate 95, west of Lake Ida, south of the intersection of Diane Drive and Lake Drive Extension.

Size: 0.75 of an acre

B. The amendment is subject to the following conditions:

1. That the site be limited to existing square footage (1,962.57 sq. ft.); and,
2. That the site be limited to only the proposed uses (office and storage space) with no manufacturing uses.

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- 3 C. A legal description for the parcel depicting the
- 4 amendment is attached to this ordinance as Exhibit 1.
- 5 D. A map depicting the amendment is attached to this
- 6 ordinance as Exhibit 2.
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8 **Part II. Effective Date**

9 This amendment shall not become effective until 31 days

10 after adoption. If challenged within 30 days after adoption,

11 this amendment shall not become effective until the state land

12 planning agency or the Administration Commission, respectively,

13 issues a final order determining the amendment is in compliance.

14 **APPROVED AND ADOPTED** by the Board of County Commissioners of

15 Palm Beach County, on the 26 day of March, 1998.

16 DOROTHY H. WILKEN

17 PALM BEACH COUNTY, FLORIDA,

18 BY ITS BOARD OF COUNTY COMMISSIONERS

19 By: *Jan Harvey*

20 Deputy Clerk

21 By: *[Signature]*

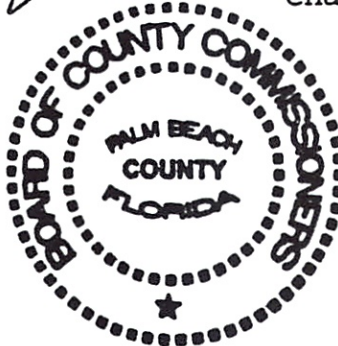
22 Chairman

23 APPROVED AS TO FORM AND

24 LEGAL SUFFICIENCY

25 *[Signature]*

26 COUNTY ATTORNEY



27 Filed with the Department of State on the 7th day of

28 April, 1998.

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LEGAL DESCRIPTION:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH QUARTER OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, AND THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 9; THENCE NORTHERLY, ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 50.61 FEET; THENCE EASTERLY AND PARALLEL TO AND 48.0 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID NORTH LINE OF THE SOUTH QUARTER OF THE SOUTH HALF OF SECTION 5, A DISTANCE OF 276.30 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHWEST CORNER OF THE FOLLOWING DESCRIBED PROPERTY; THENCE CONTINUE EASTERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 208.54 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF $120^{\circ}24'14''$ MEASURED FROM WEST TO NORTHEAST, A DISTANCE OF 138.00 FEET TO A POINT; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE PRECEDING COURSE, A DISTANCE OF 162.57 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF $76^{\circ}23'30''$, MEASURED FROM SOUTHEAST TO SOUTHWEST, A DISTANCE OF 55.32 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 69.09 FEET AND A CENTRAL ANGLE OF $91^{\circ}37'13''$, A DISTANCE OF 110.48 FEET TO A POINT; THENCE SOUTHWESTERLY, ALONG A LINE RADIAL TO SAID CURVE, A DISTANCE OF 108.31 FEET TO THE POINT OF BEGINNING.

Containing 0.7453 of an acre more or less.

GENERALIZED LOCATION MAP

Application No.: 98 - SCA 95 IND 1

General Location: West of and adjacent to Lake Ida, east of Interstate 95, and south of the intersection of Diane Drive and Lake Drive Extension.

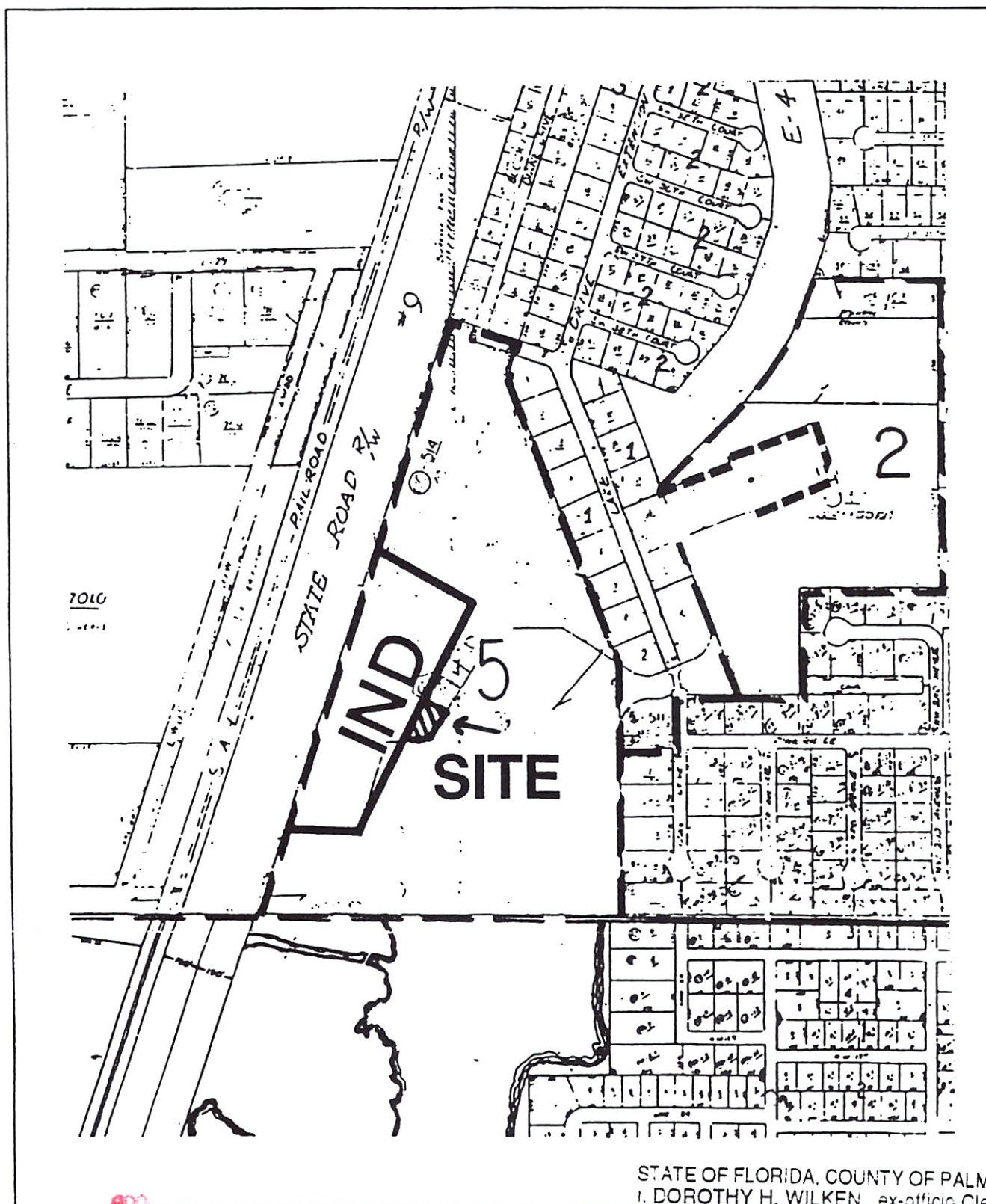
Size: .75 acre

Existing Use: Vacant single family residence

Existing FLU: Medium Residential 5 (MR-5)

Adopted FLU: Industrial (IND)

Property Number: 00-43-46-05-00-000-5140



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 3/26/98

DATED at West Palm Beach, FL on 4/13/98
DOROTHY H. WILKEN, Clerk

County Library
Serials Dept

**ORDINANCE
ENCLOSED**

